BOMBAY ACT No. XLI OF 1954.[1]

[THE BOMBAY VILLAGE INDUSTRIES ACT, 1954.]

[*31st August 1954*]

Amended by Bom. 2 of 1955.

An Act to provide for the organising, developing and regulation of village industries in the State of Bombay and to constitute a Board to carry out the said object.

WHEREAS it is necessary to organise, develop and regulate village industries in the State of Bombay and to constitute a Board to carry out the said objects ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Village Industries Act, 1954.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Board" means the Bombay Village Industries Board constituted under section 4 ;

(*2*) "prescribed" means prescribed by rules made under this Act ;

(*3*) "regulations" means regulations made under this Act ;

(*4*) "village industry" means generally all industries which form the normal occupation, whether whole-time or part-time, of any class of the rural population of the State of Bombay and in particular such industries as the State Government may by notification in the *Official Gazette* specify in this behalf in consultation with the Board.

CHAPTER II.

ESTABLISHMENT AND CONSTITUTION OF THE BOARD.

Incorporation of Board.

3. (*1*) With effect from such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf there shall be established for the purposes of this Act, a Board by the name of the Bombay Village Industries Board.

(*2*) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property both moveable and immovable and to contract and do all things necessary for the purposes of this Act.

Constitution of Board.

4. (*1*) The Board shall consist of such number of members as the State Government may appoint. One of such members shall be appointed by the State Government as the Chairman. The Chairman and other members of the Board shall hold office for such period as the State Government may, by general or special order, direct.

(*2*) The Chairman or any other member of the Board may at any time resign his office by submitting his resignation to the State Government :

Provided that the resignation shall not take effect until it is accepted.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1954, Part V, pp. 130-131.

(*3*) The Chairman and other members shall receive such allowances as may be prescribed.

(*4*) The allowances to the members shall be paid from the fund of the Board.

Vacancy of member.

5. If a member tenders his resignation in writing to the State Government and if it is accepted by the State Government, he shall cease to be a member from the date of such acceptance.

Proceedings presumed to be good and valid.

6. No act or proceeding of the Board shall be invalidated merely by reason of any vacancy in its membership on account of resignation, death or removal.

Appointment of members of staff of Board and conditions of their service.

7. (*1*) The Board may appoint such members of the staff as it may consider necessary.

(*2*) The remuneration, allowances and other conditions of service of the members of the staff of the Board shall be such as may be determined by regulations.

Appointments of committees.

8. Subject to any rules made under section 30, the Board may from time to time appoint one or more committees for the purpose of securing efficient discharge of its functions and in particular for the purpose of securing that the said functions are exercised with due regard to the circumstances and requirements of any particular village industry. Such committees may be appointed for any particular area.

Meetings of Board.

9. The Board shall meet and shall from time to time make arrangements with respect to the date, time, notice, management and adjournment of its meetings as it thinks fit. Such meeting shall be held at least once in every three months.

Power to make contracts.

10. (*1*) The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

(*2*) Every contract shall be made on behalf of the Board by the Chairman.

(*3*) Every contract made by the Chairman on behalf of the Board shall, subject to the provisions of this section, be entered into in such manner and form as may be prescribed.

(*4*) A contract not executed in the manner provided in this section and the rules made thereunder shall not be binding on the Board.

CHAPTER III.

Functions and Powers of the Board.

Functions of Board.

11. (*1*) It shall be the duty of the Board to organise, develop and regulate village industries and perform such functions as the State Government may prescribe from time to time.

(*2*) Without prejudice to the generality of the provisions of sub-section (*1*), the Board shall also in particular discharge and perform all or any of the following duties and functions, namely :—

(*a*) to start, encourage, assist and carry on village industries and to carry on trade or business in such industries and in the matter incidental to such trade or business ;

(4) The accounts of the Board shall be operated upon by such officers jointly or individually as may be authorised by the Board.

Application of fund and property.

19. All property, fund and other assets of the Board shall be held and applied by it subject to the provisions and for the purposes of this Act.

Subventions and loans to Board.

20. (1) The Government may, from time to time, make subventions and grants to the Board for the purposes of this Act on such terms and conditions as the State Government may determine in each case.

(2) The Board may, from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and such conditions as the State Government may determine, borrow any sum required for the purposes of this Act.

Budget.

21. The Board shall, on such date as may be fixed by the State Government, prepare and submit to the State Government the budget for the next financial year showing estimated receipts and expenditure on capital and revenue accounts according to the programme and the schedule of the stock.

Sanction of budget.

22. The State Government may sanction the budget submitted to it with such modifications as it deems proper.

Supplementary budget.

23. The Board may submit a supplementary budget for the sanction of the State Government in such form and before such date as the State Government may prescribe and the provisions of section 22 shall apply to such supplementary budget.

Annual report.

24. The Board shall prepare and forward to the State Government in such manner as may be prescribed an annual report within three months from the end of the financial year giving a complete account of its activities during the previous financial year. Every such report shall be laid before each House of the State Legislature as soon as may be after it is received by the State Government.

Further report, statistics and returns.

25. The Board shall, before such date and at such intervals and in such manner as the State Government may from time to time direct, submit to the State Government a report on such matters and such statistics and such returns as the State Government may direct.

Accounts and audit.

26. The accounts of the Board shall be maintained and an annual statement of accounts shall be prepared in such manner as may be prescribed. Such accounts shall be audited by an auditor approved by the State Government.

CHAPTER VI.

MISCELLANEOUS

Direction by State Government.

27. (1) In the discharge of its functions, the Board shall be guided by such instructions on questions of policy as may be given to it by the State Government.

(2) If any dispute arises between the State Government and the Board as to whether a question is or is not a question of policy the decision of the State Government shall be final.

Members of Board and members of staff of Board to be public servants.

28. Members of the Board and members of staff of the Board shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection of action taken under this Act.

29. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or purported to be done under this Act.

Rules.

30. (*1*) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters :—

(*a*) the allowances of members of the Board under section 4 ;

(*b*) the manner and form in which contracts shall be entered into under section 10 ;

(*c*) the functions of the Board under section 11 ;

(*d*) the other particulars of the programme under section 13 ;

(*e*) the form in which and the date before which the supplementary programme shall be submitted under section 15 ;

(*f*) the form in which and the date before which the supplementary budget shall be submitted under section 23 ;

(*g*) the manner in which the annual report shall be prepared and forwarded to the State Government under section 24 ;

(*h*) the manner of maintenance of accounts and preparation of annual statement of accounts under section 26 ;

(*i*) any other matter which is or may be prescribed under this Act.

Regulations.

31. (*1*) The Board may, with the previous sanction of the State Government, make regulations consistent with this Act and the rules made thereunder and notify them in the *Official Gazette*.

(*2*) In particular and without prejudice to the generality of the foregoing power, the Board may make regulations providing for—

(*a*) the procedure and disposal of its business ;

(*b*) remuneration, allowances and other conditions of service of members of the staff of the Board ;

(*c*) functions and duties of the members of the staff of the Board ;

(*d*) functions of committees and the procedure to be followed by such committees in the discharge of their functions.

Saving.

[1][**32.** For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to or be deemed to apply to any industry, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.]

[1] This section was substituted for the original, by Bom. 2 of 1955, s. 3, Second Schedule.